

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LATORRIA FLEMMING,
Next Friend of T.B., a minor,

Plaintiff,

Case No. 18-cv-13620
Hon. Matthew F. Leitman

v.

WAL-MART STORES EAST, LP,

Defendant.

/

ORDER DISMISSING COMPLAINT (ECF #1-2) WITHOUT PREJUDICE

On May 2, 2019, the Court entered an order allowing the then-attorneys for Plaintiff Latorria Flemming, acting as next friend to T.B., a minor, to withdraw as counsel in this action. (*See* Order, ECF #14.) In that order, the Court instructed Flemming that, by no later than May 31, 2019, she needed to have “new counsel file an Appearance in this action on her behalf.”¹ (*Id.* at Pg. ID 130.) The Court then told Flemming that “[i]f new counsel ha[d] not filed an Appearance on [her] behalf ... by that date, the Court [would] enter an order dismissing this action without

¹ As the Court noted in the May 2, 2019, order, ordinarily, an individual may represent himself or herself in a civil action. However, because Flemming is acting as next friend to her minor child, T.B., she cannot appear *pro se* and must retain counsel in order to participate in this action. *See, e.g., Shepherd v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2002) (“[P]arents cannot appear *pro se* on behalf of their minor children because a minor's personal cause of action is her own and does not belong to her parent or representative”).

prejudice.” (*Id.*) The Court further instructed Flemming’s then-counsel to serve her with a copy of the order, and counsel filed proof of that service on May 6, 2019. (*See* ECF #15.)

New counsel has not filed on Appearance in this action on Flemming’s behalf. Nor has Flemming not contacted the Court to ask for additional time to respond to the Court’s May 2, 2019, order.

Accordingly, because Flemming has not complied with the Court’s May 2, 2019, order, and because Flemming has failed to prosecute this action, **IT IS HEREBY ORDERED** that Flemming’s Complaint (ECF #1-2) is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 6, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 6, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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